IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24965 of 2004

Between:

K.Adinarayana Reddy, S/o. Ramana Reddy,Occ:Fair Price

shop dealer, Reddy Cheruvupally (Vill) Gorantla Mandal,

Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector , Ananthapur, District.
2 The Revenue Divisional Officer Penukonda,
Ananthapur District.
3 The Mandal Revenue Officer Gorantla Mandal,
Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the order dt. 21/12/2004 in Rc.No.K4/1525/2004 passed by 1st respondent and also the order dt. 03/12/2004 in Rc.No.1540/04.E, passed by the 2nd respondent as illegal and arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is a Fair Price Shop Dealer of Reddy Cheruvupally Village of Ananthapur District. His authorization was suspended through a show cause notice-cum-suspension order, dated 03.12.2004, by the 2nd respondent. It was alleged that the petitioner had diverted certain stocks of P.D.S.Rice and kerosene oil as well as rice meant for 'food for work' to black- marketing. It was also pointed out that the petitioner is selling the essential commodities at higher rates. The petitioner preferred an appeal before the 1st respondent together with an application for stay. Through order, dated 21.12.2004, the 1st respondent rejected the application for stay. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The truth or otherwise of the allegations against the petitioner needs to be decided by the 2nd respondent, after considering the explanation that is required to be submitted by the petitioner. The petitioner states that he had since submitted his explanation. Though it is strongly urged that he be permitted to continue as Dealer till the 2nd respondent passes final orders, this Court is not inclined to accede to the request, having regard to nature of the allegations. Once the 1st respondent has rejected the application for stay, there is no point in requiring the petitioner to await the disposal of the appeal. Instead, the 2nd respondent may be required to pass final orders in the proceedings initiated against the petitioner, having regard to the fact that the explanation has already been submitted.

Hence, the writ petition is disposed of, directing the 2nd respondent to pass orders in the proceedings initiated against the petitioner, within a period of four weeks from the date of receipt of this order. The 2nd respondent shall issue notice of hearing to the petitioner before passing final orders. In view of the directions issued to the 2nd respondent, the appeal which is pending against the 1st respondent becomes infructuous and he need not pass any orders therein. There shall be no order as to costs.

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18.01.2005

Jsu

To

1 The Joint Collector , Ananthapur, District.
2 The Revenue Divisional Officer Penukonda,
Ananthapur District.
3 The Mandal Revenue Officer Gorantla Mandal,
Ananthapur District.

4 2CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad.(OUT)

5 2CD copies.